THE HON'BLE MR. JUSTICE BILAL NAZKI

AND

THE HON'BLE MR JUSTICE G.CHANDRAIAH

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W.P.M.P.NO.35463 OF 2005 AND W.P.NO.27616 OF 2005

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O R D E R (Per the Hon'ble Mr. Justice Bilal Nazki)

Heard.

2. The order dated 29.12.2005 dismissing the writ petition for default is set aside and the writ petition is restored to file.

3. Heard in the writ petition also.

4. The writ petition has been filed challenging the seizure notice dated 01.12.2005 as illegal and arbitrary.

5. The respondents in their counter have stated that some amounts were paid by the petitioner voluntarily without any demand or notice and as a matter of fact, the documents do not suggest that the goods belong to them. It has also been stated that as no documents relating to consignment in question were produced, the order of confiscation has been passed on 27.02.2006.

6. Since the order of confiscation has been passed on 27.02.2006, this writ petition has become infructuous.

7. It is also stated by the respondents during the hearing that the amounts received from the petitioner shall be returned to the petitioner, if he so chooses. Therefore, we direct the refund of the amounts paid by the petitioner on its application. Petitioner is also at liberty to take appropriate remedies available in law against the order of confiscation.

8. The writ petition is dismissed. No order as to costs.

BILAL NAZKI,J

G.CHANDRAIAH,J

AVS

DATE:07.03.2006